



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

0000004
167635

AUG 26 2002

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** - Request to Conduct a Time-Critical Removal Action and for an Exemption from the \$2 Million Statutory Limit at the General Oil Site, Ford Pond Operable Unit, Northville, Wayne County, Michigan (ID #B53S)

FROM: Joseph J. Fredle, On-Scene Coordinator
Emergency Response Branch - Section 1

JJF
8-12-02

TO: William E. Muno, Director
Superfund Division

THRU: Richard C. Karl, Chief *W.E. Muno*
Emergency Response Branch

I. PURPOSE

The purpose of this memorandum is to document the threat and obtain your approval to expend up to \$2,290,000 in order to mitigate threats to public health, welfare, and the environment at the General Oil Site, Ford Pond Operable Unit within the City of Northville, Michigan. Also, we request exemption from the \$2 million dollar statutory limit. This removal action is necessary to mitigate the threat to public health, welfare, and the environment posed by a release of hazardous substances including PCBs.

The response action proposed herein will mitigate threats to public health, welfare, and the environment posed by the presence of PCB-contaminated oil seeping into Ford Pond. Proposed removal actions include removal of several thousand cubic yards of PCB-contaminated soil and the installation of a free product barrier and recovery system. The Michigan Department of Environmental Quality (MDEQ) has agreed to operate and maintain this system after it is installed by U.S. EPA Superfund Removal Program. The fact that the Site is located in a public park with unrestricted access to hazardous substances requires that this removal be classified as time-critical. The project will require an estimated 100 working days to complete.

This Site is not on the National Priorities List, has not been ranked, does not set any precedents, and is not nationally significant.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID #MID 981 001 126

The General Oil Site is located in a mixed commercial, industrial and residential area of Northville, Michigan. The Ford Pond Operable Unit is located to the west of the General Oil property and a CSX Railroad right-of-way that borders it. Ford Pond is in Mill Pond Park, with easy public access to the contaminated area.

A coal depot reportedly occupied the Site between the late 1800s through 1950. Beginning in 1950, Mergraf Oil occupied the General Oil property. Mergraf Oil reportedly used five unlined lagoons to recover waste oils at the property. Presently, all the lagoons have been closed but the manner in which they were closed is undocumented. PCB-contaminated oil from the Site has contaminated the groundwater and is presently seeping into Ford Pond.

In April 2002, the MDEQ asked U.S. EPA Superfund Program for assistance in stopping the PCB-contaminated oil from seeping into Ford Pond. A Site assessment done by U.S. EPA in June of 2002 confirmed that oil containing PCBs in the 25 to 150 parts per million (ppm) range was seeping into Ford Pond.

In Michigan, the low-income household percentage is 29% and the minority population percentage is 18%. To meet the Environmental Justice concern criteria, the area within one mile of a site must have a population that is twice the state low-income percentage and/or twice the state minority percentage. Therefore, in Michigan, the area in question must be at least 58% low-income and/or 36% minority. In the area around the Ford Pond Site, the low-income percentage is 21% and the minority is 4%, as determined by Arcview or Landview III EJ analysis. Therefore, this Site does not meet the Region's EJ criteria based on demographics as identified in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case, June 1998."

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Based on NCP Section 300.415, U.S. EPA may take removal action to abate, prevent, minimize, stabilize, mitigate, or eliminate a release or a threat of release to the public health or welfare of the United States or the environment. Paragraph (b)(2) of Section 300.415 lists factors to be considered when determining the appropriateness of a removal action. The NCP factors applicable to this Site are summarized below.

1. Actual or potential exposure of nearby human populations, animals, or the food chain to hazardous substances or pollutants or contaminants:

Hazardous substances, PCBs at 150 ppm, have migrated from the General Oil Site to the Ford Pond and are presently being continuously released into the environment in a public park setting. This causes a direct contact threat to humans and animals that may use this park. The PCBs also enter the environment and food chain when they seep into Ford Pond.

2. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.

The PCBs identified in soil samples have clearly migrated through soils and will continue to migrate through subsurface soils.

3. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

Large storm events have the potential to increase the migration of PCBs to Ford Pond and downstream into the Rouge River.

IV. ENDANGERMENT DETERMINATION

Until the contamination presently located at the Site is removed and disposed of, the threats posed by the presence of hazardous substances, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health and welfare and to the environment.

V. EMERGENCY EXEMPTION FROM STATUTORY LIMITS

Section 104(c)(1) of CERCLA, as amended by SARA, limits a Federal emergency response to \$2 million unless three criteria are met. The quantities and levels of hazardous substances found at this Site warrant exemption from the \$2 million limit based on the following factors:

1) There is an immediate risk to public health or welfare or the environment;

Hazardous substances, PCBs at 150 ppm, have migrated from the General Oil Site to the Ford Pond and are presently being continuously released into the environment in a public park setting. This causes a direct contact threat to humans and animals that may use this park. The PCBs also enter the environment and food chain when they seep into Ford Pond.

- 2) **Continued response actions are immediately required to prevent, limit, or mitigate an emergency;**

The proposed actions will limit and mitigate the on-going release and direct contact threat.

- 3) **Assistance will not otherwise be provided on a timely basis.**

MDEQ has requested U.S. EPA assistance because MDEQ does not have the funds to deal with this situation in a timely manner. MDEQ is willing to assist in any way that it can, including operation and maintenance of any recovery system that U.S. EPA would install.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

The following actions are necessary to mitigate threats posed by the presence of hazardous substances or pollutants or contaminants at the Site:

- 1) Develop and implement a Site-specific Health and Safety Plan;
- 2) Establish and maintain Site security;
- 3) Remove soils from the land adjacent to Ford Pond that contain CERCLA hazardous substances including PCBs.
- 4) Dispose of all hazardous substances or pollutants or contaminants at approved off-site disposal facilities in accordance with the U.S. EPA Off-Site Rule (40 CFR § 300.440);
- 5) Install a free-product barrier and recovery system to collect any PCB-contaminated oil that continues to migrate toward Ford Pond;
- 6) Conduct post-removal sampling and analysis to verify completion of the removal action; and
- 7) Backfill excavated areas with clean material.

All hazardous substances, pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage and disposal shall be treated, stored or disposed of at a facility in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants or contaminants at the General Oil/Ford Pond Site which may pose an imminent and substantial

endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

These activities will require an estimated 100 on-site working days to complete.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. However, elimination or mitigation of the threats is expected to minimize the need for post-removal Site control at the Ford Pond Unit.

The detailed Emergency Rapid Response Contractor (ERRS) costs projected to be necessary for the project completion are presented in Attachment 1, with the estimated project costs presented below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:

Total Cleanup Contractor Costs	\$1,858,800
(This cost category includes estimates for ERRS and subcontractors. Includes a 20% contingency)	

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, including multiplier costs	\$ 50,000
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Subtotal, Extramural Costs	\$1,908,800
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Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	<u>\$ 381,760</u>
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TOTAL, REMOVAL ACTION PROJECT CEILING	\$2,289,560
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Rounded up to	\$2,290,000
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Applicable or Relevant and Appropriate Requirements

All applicable, relevant and appropriate requirements (ARARs) of federal and State law will be complied with to the extent practicable. On July 25, 2002, a letter was sent to Steve Hoin of MDEQ requesting that he identify State ARARs. Any State ARARs identified in a timely manner for this removal action will be complied with to the extent practicable.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed or no action will increase the potential for release of toxic hazardous substances, thereby threatening the adjacent population and the environment.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in an Enforcement Confidential Addendum.

The total EPA costs for this removal action, based on full-cost accounting practices that will be eligible for cost recovery, are estimated to be \$3,324,334.80¹.

$$(\$2,290,000 + \$98,000) + (39.21\% \times \$2,388,000) = \$3,324,334.80$$

X. RECOMMENDATION

This decision document represents the selected removal action for the General Oil Site, Ford Pond Operable Unit, Northville, Wayne County, Michigan, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision was based upon information now presented in the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal, and I recommend your approval of the removal action. The total project ceiling, if approved, will be \$2,290,000. Of this, an estimated \$2,240,000 may be used for cleanup contractor costs. You may indicate your decision by signing below:

APPROVE: _____

Director, Superfund Division

DATE: 8/26/02

DISAPPROVE: _____

Director, Superfund Division

DATE: _____

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Enforcement Addendum

Attachments

1. Detailed Cleanup Contractor Cost Estimate
2. Administrative Record Index
3. EJ Analysis

cc: K. Mould, 5202-G

M. Chezik , Dept. Of Interior, **w/o Enf. Addendum**

J. Granholm, Michigan Department of Attorney General, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

**GENERAL OIL SITE, FORD POND OPERABLE UNIT
NORTHVILLE, WAYNE COUNTY, MICHIGAN
AUGUST 2002**

(REDACTED 2 PAGES)

ENFORCEMENT CONFIDENTIAL

NOT SUBJECT TO DISCOVERY

ATTACHMENT 1

**DETAILED ERRS COST PROJECTION ESTIMATE
GENERAL OIL SITE, FORD POND OPERABLE UNIT
NORTHVILLE, WAYNE COUNTY, MICHIGAN**

AUGUST 2002

Personnel	\$455,000
Equipment	\$103,000
Disposal	\$455,000
Materials AND Other Costs	<u>\$536,000</u>
TOTAL	\$1,549,000

ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
GENERAL OIL SITE
FORD POND OPERABLE UNIT
NORTHVILLE, WAYNE COUNTY, MICHIGAN

ORIGINAL
AUGUST 13, 2002

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	04/28/02	Kitler, S., MDEQ	El-Zein, J., U.S. EPA	Letter re: MDEQ's Request for U.S. EPA Assistance at the General Oil Site	19
2	07/25/02	Fredle, J., U.S. EPA	Hoin, S., MDEQ	Letter re: U.S. EPA's Request for Michigan ARARs for the General Oil Site Ford Pond Operable Unit	1
3	08/02/02	Tetra Tech EM, Inc.	U.S. EPA	Site Assessment Report for the Ford Pond Site	40
4	00/00/00	Fredle, J., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request to Conduct a Time-Critical Removal Action and for an Exemption from the \$2 Million Statutory Limit at the General Oil Site, Ford Pond Operable Unit (PENDING)	

INDEPENDENT GOVERNMENT COST ESTIMATE

**GENERAL OIL SITE, FORD POND OPERABLE UNIT
NORTHVILLE, WAYNE COUNTY, MICHIGAN
AUGUST 2002**

(REDACTED 2 PAGES)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

Date of Map 7/27/78
Source of Map 1980 Census Database